

**L.N. 154 of 2019**

**Merchant Shipping (Local Vessels) (Safety and Survey)  
(Amendment) Regulation 2019**

(Made by the Secretary for Transport and Housing under section 89 of  
the Merchant Shipping (Local Vessels) Ordinance (Cap. 548))

**1. Commencement**

This Regulation comes into operation on 23 December 2019.

**2. Merchant Shipping (Local Vessels) (Safety and Survey)  
Regulation amended**

The Merchant Shipping (Local Vessels) (Safety and Survey)  
Regulation (Cap. 548 sub. leg. G) is amended as set out in  
sections 3 to 8.

**3. Section 2 amended (interpretation)**

Section 2—

**Add in alphabetical order**

“*typhoon shelter* (避風塘) has the meaning given by  
section 2 of the Merchant Shipping (Local Vessels)  
(Typhoon Shelters) Regulation (Cap. 548 sub. leg.  
E);”.

**4. Section 78A amended (interpretation of Part 11)**

Section 78A—

**Repeal the definition of *typhoon shelter*.**

**5. Section 89 added**

After section 88—

**Add**

**“89. Transitional provision relating to Merchant Shipping (Local Vessels) (Safety and Survey) (Amendment) Regulation 2019**

(1) During the transitional period, a local vessel that complies with the former requirements is taken to be in compliance with the new requirements.

(2) In this section—

*amending Regulation* (《修訂規例》) means the Merchant Shipping (Local Vessels) (Safety and Survey) (Amendment) Regulation 2019;

*former requirements* (原有規定) means the requirements for life-saving appliances and fire-fighting apparatus in this Regulation as in force immediately before it was amended by the amending Regulation;

*new requirements* (新規定) means the requirements for life-saving appliances and fire-fighting apparatus in this Regulation as amended by the amending Regulation;

*transitional period* (過渡期) means the period of 2 years beginning on 23 December 2019.”.

**6. Schedule 2 amended (local vessels to which Parts 3 and 4 of this Regulation do not apply)**

(1) Schedule 2, after “apply to”—

**Add**

“a Class II vessel or Class III vessel that complies with the requirements in Schedules 3 and 4 (as applicable) and meets the following descriptions”.

(2) Schedule 2, paragraph (a)—

**Repeal**

Section 6

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“a Class III vessel that”

**Substitute**

“for a Class III vessel, the vessel”.

- (3) Schedule 2, paragraph (a)(vi)—

**Repeal the semicolon**

**Substitute**

“; and”.

- (4) Schedule 2, paragraph (a)(vii)—

**Repeal**

“; and”

**Substitute**

“; or”.

- (5) Schedule 2, paragraph (a)—

**Repeal subparagraph (viii).**

- (6) Schedule 2, paragraph (b)—

**Repeal**

“a Class II vessel or Class III vessel that”

**Substitute**

“for a Class II vessel or Class III vessel, the vessel”.

- (7) Schedule 2, paragraph (b)(ii)—

**Repeal the semicolon**

**Substitute**

“; and”.

- (8) Schedule 2, paragraph (b)—

**Repeal subparagraph (iii).**

- (9) Schedule 2, paragraph (b)(iv)—

**Repeal**

Class	Types	Material of construction	Length overall × extreme breadth <sup>(note)</sup>	Minimum requirements for life-saving appliances and fire-fighting apparatus
II	transportation sampan	any material	not exceeding 25 m <sup>2</sup>	(a) 1 lifejacket for every person on board; (b) 1 lifebuoy; and (c) 1 fire bucket with lanyard
II	work boat	other than metal	not exceeding 25 m <sup>2</sup>	(a) 1 lifebuoy; and (b) 1 fire bucket with lanyard
III	fishing sampan	other than metal	not exceeding 25 m <sup>2</sup>	(a) 1 lifebuoy; and (b) 1 fire bucket with lanyard

**Substitute**

“

Class	Types	Material of construction	Length overall × extreme breadth <sup>(note)</sup>
II	transportation sampan	any material	not exceeding 25 m <sup>2</sup>
II	work boat	other than metal	not exceeding 25 m <sup>2</sup>
III	fishing sampan	other than metal	not exceeding 25 m <sup>2</sup>

”.

**7. Schedule 3 amended (provision of life-saving appliances)**

(1) Schedule 3, Part 1, after section 4—

**Add**

**“5. Provision of lifejackets**

- (1) A local vessel must carry on board the required quantity of lifejackets.
- (2) If there are any persons on board the vessel, the lifejackets carried on board (excluding infant lifejackets) must include at least 1 suitable lifejacket for each person on board, excluding a person for whom the suitable lifejacket is an infant lifejacket.
- (3) This section does not apply to—
  - (a) a Class II vessel or Class III vessel that falls within paragraph (a) or (b) of Schedule 2, except a transportation sampan;
  - (b) a Class II vessel that is licensed as—
    - (i) a landing platform;
    - (ii) a landing pontoon; or

- (iii) a stationary vessel that is a separation barge; or
  - (c) a floating restaurant to which section 7 of this Schedule applies.
- (4) This section also does not apply to a local vessel if—
  - (a) the operating licence of the vessel restricts it to plying within specified sheltered waters or a typhoon shelter;
  - (b) the vessel carries on board a combination of lifejackets and lifebuoys that is adequate for the permitted number of persons;
  - (c) each of the lifejackets is suitable for all persons, except a person for whom the suitable lifejacket is an infant lifejacket; and
  - (d) the quantity of the lifejackets is not less than 50% of the permitted number of persons.

- (5) In this section—

***permitted number of persons*** (獲允許人數), in relation to a local vessel, means the total number of persons the vessel is permitted to carry under the conditions of its operating licence;

***required quantity of lifejackets*** (規定數量的救生衣), in relation to a local vessel, means a quantity of lifejackets (excluding infant lifejackets) that is not less than the permitted number of persons.

## 6. Provision of infant lifejackets

- (1) This section applies to—
- (a) a Class I vessel, except a floating restaurant to which section 7 of this Schedule applies; or

- (b) a Class IV vessel that—
  - (i) is let for hire or reward; and
  - (ii) is permitted to carry more than 12 passengers under the conditions of its operating licence.
- (2) The vessel must carry on board a quantity of infant lifejackets that is not less than 2.5% of the permitted number of passengers.
- (3) In subsection (2)—

*permitted number of passengers* (獲允許乘客人數), in relation to a Class I vessel or Class IV vessel, means the total number of passengers the vessel is permitted to carry under the conditions of its operating licence.

#### **7. Provision of lifejackets and infant lifejackets on floating restaurants**

- (1) This section applies to a floating restaurant—
  - (a) the operating licence of which restricts the floating restaurant to plying or operating within specified sheltered waters or a typhoon shelter; and
  - (b) that—
    - (i) is attached to the shore and is provided with adequate gangways; or
    - (ii) is not attached to the shore but is provided with—
      - (A) above-water flotation in the form of a steel embarkation pontoon moored alongside; or

- (B) steel tenders at both ends capable of being towed to a safe place away from the floating restaurant.
- (2) The floating restaurant must carry on board a quantity of lifejackets (excluding infant lifejackets) that is not less than 50% of the permitted number of persons.
- (3) However, the floating restaurant may, instead of complying with subsection (2), carry on board a combination of lifejackets and lifebuoys that is adequate for 50% of the permitted number of persons but only if—
- (a) each of the lifejackets is suitable for all persons, except a person for whom the suitable lifejacket is an infant lifejacket; and
- (b) the quantity of the lifejackets is not less than 25% of the permitted number of persons.
- (4) In addition to complying with subsection (2) or (3), the floating restaurant must also carry on board a quantity of infant lifejackets that is not less than 1.25% of the permitted number of passengers.
- (5) In this section—
- permitted number of passengers*** (獲允許乘客人數) has the meaning given by section 6(3) of this Schedule;
- permitted number of persons*** (獲允許人數) has the meaning given by section 5(5) of this Schedule.”.
- (2) Schedule 3, Part 2, Table 1—

**Repeal**



“	Operation area	Specified sheltered waters	Anywhere within waters of Hong Kong	”
	Life-saving appliances			
	lifejacket	any number	Total 100% <sup>(1)</sup> and (2)	100% adult lifejacket + 5% children lifejacket
	lifebuoy	minimum number per Table 2		minimum number per Table 2

**Substitute**

“	Operation area	Specified sheltered waters, a typhoon shelter or anywhere within waters of Hong Kong	”
	Life-saving appliances		
	lifebuoy	minimum number per Table 2	”

(3) Schedule 3, Part 2, Table 1—

**Repeal Notes (1) and (2).**

(4) Schedule 3, Part 2, Table 3—

**Repeal**

Operation area	Specified sheltered waters	Anywhere within waters of Hong Kong
Life-saving appliances		
lifejacket <sup>(1)</sup>	any number <sup>(2)</sup>	100% adult lifejacket + <5% children lifejacket <sup>&gt;(3), (4) and (5)</sup>
lifebuoy <sup>(1)</sup>	any number	
buoyant lifeline <sup>(4) and (6)</sup>	1 for vessel (L)<12 m 2 for vessel (L)≥12 m	

**Substitute**

Operation area	Specified sheltered waters, a typhoon shelter or anywhere within waters of Hong Kong
Life-saving appliances	
lifebuoy <sup>(1) and (4)</sup>	minimum number per Table 5
buoyant lifeline <sup>(4), (6) and (7)</sup>	1 for vessel (L)<12 m 2 for vessel (L)≥12 m

(5) Schedule 3, Part 2, Table 3, Note (1)(a)—

**Repeal**

“at least 1 lifejacket for every person on board and 1 lifebuoy are required”

**Substitute**

“instead of the life-saving appliances stated in the Table, at least 1 lifebuoy is required”.

(6) Schedule 3, Part 2, Table 3, Note (1)(b)—

**Repeal**

Section 7

“at least 1 lifebuoy is required”

**Substitute**

“instead of the life-saving appliances stated in the Table, a quantity of suitable lifejackets or lifebuoys, or a combination of both, that is adequate for the total number of persons on board is required”.

(7) Schedule 3, Part 2, Table 3—

**Repeal Notes (2), (3) and (4)(a).**

(8) Schedule 3, Part 2, Table 3, after Note (6)—

**Add**

“(7) Buoyant lifeline is not required for a Class II vessel that falls within paragraph (b) of Schedule 2.”.

(9) Schedule 3, Part 2, Table 4—

**Repeal**

lifejacket	100% <sup>(1)</sup>
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(10) Schedule 3, Part 2, Table 6—

**Repeal**

Life-saving appliances	Category of vessel	A		B	
	Vessel length (L) (m)	(L)<24	24≤(L)<45 <sup>(1)</sup>	(L)<24	24≤(L)<45 <sup>(1)</sup>
lifejacket		100% <sup>(2)</sup>		100% <sup>(2)</sup>	
lifebuoy		2	4	2 <sup>(3)</sup> and (4)	2 or <4> <sup>(5)</sup>

**Substitute**

“

Life-saving appliances	Category of vessel	A		B <sup>(1A)</sup>	
	Vessel length (L) (m)	(L)<24	24≤(L)<45 <sup>(1)</sup>	(L)<24	24≤(L)<45 <sup>(1)</sup>
lifebuoy		2	4	2 <sup>(3)</sup>	2 or <4> <sup>(5)</sup>

”.

(11) Schedule 3, Part 2, Table 6, before Note (1)—

**Add**

“(1A) For a Class III vessel that falls within paragraph (a) or (b) of Schedule 2, instead of the life-saving appliances stated in the Table, a quantity of suitable lifejackets or lifebuoys, or a combination of both, that is adequate for the total number of persons on board is required.”.

(12) Schedule 3, Part 2, Table 6—

**Repeal Note (4).**

(13) Schedule 3, Part 2, Table 7—

**Repeal**

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lifejacket	100% <sup>(1)</sup>
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(14) Schedule 3, Part 2, Table 7—

**Repeal Note (1).**

**8. Schedule 4 amended (fire protection and provision of fire-fighting apparatus)**

(1) Schedule 4, Part 2, Table 3—

**Repeal**

“For both Category A vessels and Category B vessels”

**Substitute**

“For both Category A vessels and Category B vessels<sup>(3)</sup>”.

- (2) Schedule 4, Part 2, Table 3—

**Repeal**

“portable fire extinguisher<sup>(3)</sup>”

**Substitute**

“portable fire extinguisher”.

- (3) Schedule 4, Part 2, Table 3—

**Repeal Note (3)**

**Substitute**

“(3) For a Class II vessel that falls within paragraph (b) of Schedule 2, instead of the fire-fighting apparatus stated in the Table, at least 1 fire bucket with lanyard is required.”.

- (4) Schedule 4, Part 2, Table 7—

**Repeal**

“B<sup>(1)</sup>”

**Substitute**

“B<sup>(1)</sup>, (1A) and (1B)”.

- (5) Schedule 4, Part 2, Table 7—

**Repeal**

“portable fire extinguisher<sup>(3)</sup>”

**Substitute**

“portable fire extinguisher”.

- (6) Schedule 4, Part 2, Table 7, after Note (1)—

**Add**

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- “(1A) For a Class III vessel that falls within paragraph (a) of Schedule 2, instead of the fire-fighting apparatus stated in the Table, the following apparatus is required—
- (a) at least 1 portable dry powder fire extinguisher that has a capacity of not less than 1.25 kg of dry powder;
  - (b) at least 1 fire bucket with lanyard.
- (1B) For a Class III vessel that falls within paragraph (b) of Schedule 2, instead of the fire-fighting apparatus stated in the Table, at least 1 fire bucket with lanyard is required.”.
- (7) Schedule 4, Part 2, Table 7—

**Repeal Note (3).**

Frank CHAN Fan  
Secretary for Transport and  
Housing

22 October 2019

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### Explanatory Note

This Regulation amends the Merchant Shipping (Local Vessels) (Safety and Survey) Regulation (Cap. 548 sub. leg. G) (*principal Regulation*) to—

- (a) provide for general requirements in Schedule 3 to the principal Regulation as regards the provision of lifejackets on certain local vessels;
- (b) amend Schedules 2 and 3 to the principal Regulation consequentially on the introduction of the general requirements; and
- (c) amend Schedules 3 and 4 to the principal Regulation to reorganize the minimum requirements as regards the provisions of life-saving appliances and fire-fighting apparatus on certain local vessels.